

MINUTES OF BENTON COUNTY QUORUM COURT

March 24, 2011

A regular meeting of the Benton County Quorum Court was held on Thursday, March 24, 2011 at 6:00 p.m. at the Benton County Administration Building, 215 East Central Avenue, Bentonville, Arkansas, pursuant to proper call and notice.

County Judge Robert D. Clinard called the meeting to order.

Deputy Clerk Janet Reaves called roll as follows:

13 JP's Present: King, Winscott, J. Harrison, Allen, K. Harrison, Hawkins,
Jones, Sandlin, Douglas, Blaty, Curry, Carr, Moore

A legal quorum was present.

The presiding officer led the pledge of allegiance to the flag. Prayer was led by JP Patrick Carr.

CHANGES TO THE AGENDA:

JP Sandlin stated that Item "C", a resolution confirming the reappointment of Bobby Fanning to the Rural Development Authority Board, will be withdrawn. Judge Clinard stated that Mr. Fanning is not eligible for reappointment, as he has already served two terms.

Request to withdraw Item "C" approved by unanimous voice vote.

ELECTED OFFICIALS REPORT:

Sheriff Keith Ferguson reported that even though the Drug Enforcement Administration has announced that it will no longer provide funds to clean up meth lab sites, his office will continue in its attempts to eradicate them. He added that there is a possibility that he may have to come to the court for additional funds to cover the costs in some cases.

Sheriff Ferguson also stated that there has been some discussion regarding security upgrades for Quorum Court meetings and for the Administration Building, including surveillance cameras, a metal detector, and an additional security guard. Sheriff Ferguson noted some of the difficulties with increasing security at the Administration Building, such as citizens who are unhappy about going through a metal detector in order to perform routine business; additional costs to install a metal detector; and the cost to have an additional deputy present in the Quorum Court Room during meetings.

Discussion was held regarding the number of meth labs busted in 2010, and who is responsible for the cleanup costs. Sheriff Ferguson noted that the decision on whether or not to attempt seizure of the property depends on the amount of drugs found in the house and whether the property is still mortgaged.

County Judge Bob Clinard stated that a camera has been ordered for installation in the Quorum Court Room, and it will be monitored by CenCom and the Sheriff's Deputy on duty. He said several options for a metal detector in the Administration Building are being discussed at this time. He stated that the U.S. Marshals Service will be conducting a security inspection on the Courthouse Building in the next few weeks, at no cost to the county. He said that once the report is received, the Information Systems Department will develop a budget to present to the court to implement the recommendations. He added that a deputy at Quorum Court meetings would only cost about \$600 per month, based on \$21 per hour, and it would be up to the court to decide if the extra security would be worth that amount of money. He noted several problems associated with installing a metal detector in the Administration Building, because the building was not designed for one. JP Hawkins stated that he is satisfied with the present security measures, and would be in favor of allowing private citizens to arm themselves instead of spending money on more security.

COUNTY JUDGE'S REPORT:

County Judge Bob Clinard stated that the real estate contract for the purchase of the West Side County Road Department site is almost complete, and reported that construction on the Juvenile Justice Center is moving along with a few minor design changes and one significant change order for the undercut, which ended up being an average of 5.5 feet instead of the 4 feet that was

previously estimated by the soils engineer.

Judge Clinard stated that the architects are working on remodeling the Public Service Building on Highway 102, and demolition will start Monday assuming the appropriation ordinance is approved tonight. He said they have discovered a small amount of asbestos which is under the threshold which would cause any problems, and they will take bids soon to hire someone to perform the abatement.

Judge Clinard reported that the HVAC upgrades on the Courthouse Building are moving along fine, and gave an update on the landscaping changes around the Courthouse. He said they are removing two diseased elm trees on the west side, and two sweet gum trees on the south side which are too close to the building. He said the large sweet gum tree in front of the Courthouse will remain, and the Master Gardeners are going to work with the county do some landscaping south of the main entrance. He said that the Compton Gardens staff is going to help with an indigenous species garden on the north side of the Courthouse steps, and he wants to plant some apple trees at his own expense that are native to the area as well.

Judge Clinard announced that the next County Hall Meeting will be held in Lost Bridge Village in April or May, and the date will be announced later.

Judge Clinard stated that he spoke to the Arkansas Senate/House Energy Subcommittee regarding HB1914, and it has received a do pass recommendation from the committee. He said that it allows the state to give rebates back to counties who use Compressed Natural Gas. He also reported that the purchasing legislation submitted by Benton County's Legislative Committee, which allows counties to have more purchasing options, has passed the committee and will be going to the full House for consideration.

Judge Clinard stated that the members have all received a copy of a letter that he has written to the Election Commission which basically states that after checking with the Attorney General, he and the County Attorney have determined that it is legal for the Election Commission to take charge of its own employees, rather than have them under the supervision of the county. He said that although they are county employees, there is no one there from the county to supervise, hire, fire, or discipline them. He said that if the Election Commission makes a decision and votes on it, the county will abide by that decision as long as it is legal and within the bounds of the County's Employee Policy.

Judge Clinard announced that the Employee Appreciation Picnic will be Friday, April 22, 2011 at Dave Peal Park from 11:00 a.m. to 2:00 p.m.

COMMITTEE REPORTS:

JP Allen recognized General Service Administrator Elizabeth Bowen, who stated that the Land Use Committee has submitted its plan to the Planning Board, and the Planning Board has recommended that it be forwarded to the Quorum Court Legislative Committee and to County Attorney George Spence.

PUBLIC COMMENTS:

Dawn Harpell of Bella Vista distributed a handout with a proposed plan to relieve traffic congestion on Highway 71 North and I-540.

County Judge Bob Clinard stated that he supports this plan, and it will be taken to the Transportation Committee as part of the County Road Plan.

JoAnn Hoffman of Rogers asked for help saving her home under Amendment 5 of the United States Constitution.

JP J. Harrison made motion to suspend the rules and read all ordinances and resolutions by title only, seconded by JP Carr.

Motion passed by unanimous voice vote.

OLD BUSINESS:

- (A) Second Reading of Proposed Ordinance to Amend Section 2-106 (c) of *The Code of Ordinances of Benton County* to Provide for Automatic Cancellation of Committee Meetings When the County Judge has Closed the Courthouse;
Sponsor: JP Kurt Moore

County Attorney George Spence read the proposed ordinance by title only.

JP Moore made motion to adopt, seconded by JP Sandlin.

There being no discussion, a roll call vote was recorded as follows:

13 yeas: King, Winscott, J. Harrison, Allen, K. Harrison, Hawkins,
Jones, Sandlin, Douglas, Blaty, Curry, Carr, Moore

Second reading passed.

NEW BUSINESS:

(A) Proposed Resolution Confirming the Appointment of Jimmy Thompson to the 9-1-1 Administration Board, Member at Large, Position 1; Sponsor: JP Dan Douglas

County Attorney George Spence read the proposed resolution by title only.

JP Douglas stated that this is an appointment to the 9-1-1 Administration Board, and Jimmy Thompson has been a firefighter and Fire Chief at Centerton and Bentonville, and is familiar with the operation.

JP Douglas made motion to adopt, seconded by JP Blaty.

There being no further discussion, a roll call vote was recorded as follows:

13 yeas: King, Winscott, J. Harrison, Allen, K. Harrison, Hawkins,
Jones, Sandlin, Douglas, Blaty, Curry, Carr, Moore

Resolution duly adopted and assigned **No. R-2011-04.**

(B) Proposed Resolution Confirming the Appointment of Belva Plumlee to the Benton County Regional Solid Waste District Board; Sponsor: JP Dan Douglas

County Attorney George Spence read the proposed resolution by title only.

JP Douglas made motion to adopt, seconded by JP Blaty.

There being no discussion, a roll call vote was recorded as follows:

13 yeas: King, Winscott, J. Harrison, Allen, K. Harrison, Hawkins,
Jones, Sandlin, Douglas, Blaty, Curry, Carr, Moore

Resolution duly adopted and assigned **No. R-2011-05.**

(Item "C" was deleted from the agenda.)

(D) Proposed Emergency Ordinance Amending Ordinance No. O-2008-14 to Expand the Authority of the County Judge to Waive Building Permit Fees and Declaring an Emergency; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed emergency ordinance by title only.

JP Allen made motion to adopt, seconded by JP J. Harrison.

There being no discussion, a roll call vote was recorded as follows:

13 yeas: King, Winscott, J. Harrison, Allen, K. Harrison, Hawkins,
Jones, Sandlin, Douglas, Blaty, Curry, Carr, Moore

Motion to adopt the proposed emergency ordinance passed.

County Attorney George Spence read the emergency clause in full.

JP Allen made motion to adopt the emergency clause, seconded by JP Sandlin.

There being no discussion, a roll call vote was recorded as follows:

13 yeas: King, Winscott, J. Harrison, Allen, K. Harrison, Hawkins,
Jones, Sandlin, Douglas, Blaty, Curry, Carr, Moore

Emergency clause adopted.

Emergency Ordinance duly adopted and assigned **No. O-2011-06.**

(E) Proposed Ordinance Establishing a County Depository Board;
Sponsor: JP Tom Allen

County Attorney George Spence read the proposed ordinance by title only.

JP Allen stated that this will be in accordance with state law, and the depository board will consist of the County Treasurer, Collector, and County Judge.

JP Allen made motion to adopt, seconded by JP Sandlin.

There being no further discussion, a roll call vote was recorded as follows:

13 yeas: King, Winscott, J. Harrison, Allen, K. Harrison, Hawkins,
Jones, Sandlin, Douglas, Blaty, Curry, Carr, Moore

First reading passed.

Item "F" was moved to the end of the agenda by unanimous voice vote.

(G) Proposed Appropriation Ordinance Amending Appropriation Ordinance
No. O-2010-56 (**2011** Benton County Budget) Appropriating Additional
Monies And Establishing Expenditure Line Item "5180" in Department 01,
Substance Abuse and Mental Health Services Administration (SAMHSA) -
Drug Court Grant, Fund 462; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Allen stated that this appropriation of \$1,610 will bring the grant total to \$371,610.

JP Allen made motion to adopt, seconded by JP Sandlin.

There being no further discussion, a roll call vote was recorded as follows:

13 yeas: King, Winscott, J. Harrison, Allen, K. Harrison, Hawkins,
Jones, Sandlin, Douglas, Blaty, Curry, Carr, Moore

Appropriation Ordinance duly adopted and assigned **No. O-2011-07.**

(H) Proposed Appropriation Ordinance Amending Appropriation Ordinance
No. O-2010-56 (**2011** Benton County Budget) Appropriating Additional
Monies And Authorizing Additional Expenditures in Department 01, NEBCO
Fire Department-Rural Services Grant Fund, Fund 487; Sponsor: JP Tom
Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Allen stated that this appropriation of \$15,000 is to purchase a new tanker truck for the NEBCO Volunteer Fire Department, at no cost to the county.

JP Allen made motion to adopt, seconded by JP Carr.

There being no further discussion, a roll call vote was recorded as follows:

13 yeas: King, Winscott, J. Harrison, Allen, K. Harrison, Hawkins,
Jones, Sandlin, Douglas, Blaty, Curry, Carr, Moore

Appropriation Ordinance duly adopted and assigned **No. O-2011-08.**

- (I) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2010-56 (**2011** Benton County Budget) Appropriating Additional Monies And Authorizing Additional Expenditures in Department 05, Sheriff's Office, Criminal Warrant Reduction Grant Fund, Fund 326; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Allen stated that this appropriation of \$10,000 is for overtime costs for serving warrants.

JP Allen made motion to adopt, seconded by JP Sandlin.

There being no further discussion, a roll call vote was recorded as follows:

13 yeas: King, Winscott, J. Harrison, Allen, K. Harrison, Hawkins,
Jones, Sandlin, Douglas, Blaty, Curry, Carr, Moore

Appropriation Ordinance duly adopted and assigned **No. O-2011-09.**

- (J) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2010-56 (**2011** Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Department 38, Environmental Services, Fund 010; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Allen stated that this appropriation of \$35,000 is for the waste disposal costs associated with the County Wide Clean Up to be held April 9, 2011.

JP Allen made motion to adopt, seconded by JP J. Harrison.

There being no further discussion, a roll call vote was recorded as follows:

13 yeas: King, Winscott, J. Harrison, Allen, K. Harrison, Hawkins,
Jones, Sandlin, Douglas, Blaty, Curry, Carr, Moore

Appropriation Ordinance duly adopted and assigned **No. O-2011-10.**

- (K) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2010-56 (**2011** Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Fund 440, Capital Projects, Department 35; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Allen stated that this appropriation is for \$165,718 which was approved but not spent in 2010 for construction of the Juvenile Justice Center.

JP Allen made motion to adopt, seconded by JP Winscott.

There being no discussion, a roll call vote was recorded as follows:

13 yeas: King, Winscott, J. Harrison, Allen, K. Harrison, Hawkins,
Jones, Sandlin, Douglas, Blaty, Curry, Carr, Moore

Appropriation Ordinance duly adopted and assigned **No. O-2011-11.**

(L) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2009-46 (**2010** Benton County Budget) Authorizing a Transfer of Funds Between Categories and Line Items; Appropriating Additional Monies and Authorizing Additional Expenditures in Various Funds and Departments; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Allen stated that this is basically an appropriation ordinance to close out various accounts for 2010, the only exception being an additional \$59,000 for the Employee Health Insurance Fund.

JP Allen made motion to adopt, seconded by JP Sandlin.

There being no further discussion, a roll call vote was recorded as follows:

13 yeas: King, Winscott, J. Harrison, Allen, K. Harrison, Hawkins,
Jones, Sandlin, Douglas, Blaty, Curry, Carr, Moore

Appropriation Ordinance duly adopted and assigned **No. O-2011-12.**

(M) Proposed Ordinance to Amend Portions of Chapter 26 of the *Code of Ordinances of Benton County, Arkansas* to Provide For a New Provider For a New Provider for Emergency Medical Services for the Northeast Benton County Emergency Medical District, To Clarify The Financing Structure For the Services, And To Clarify What Services Are To Be Provided; Sponsor: JP Dale King

County Attorney George Spence read the proposed ordinance by title only.

JP King stated that this ordinance is to merge the NEBCO Fire Department and Volunteer Ambulance Service, and has been worked on for quite some time.

JP King made motion to adopt, seconded by JP Sandlin.

There being no further discussion, a roll call vote was recorded as follows:

13 yeas: King, Winscott, J. Harrison, Allen, K. Harrison, Hawkins,
Jones, Sandlin, Douglas, Blaty, Curry, Carr, Moore

First reading passed.

(N) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2010-56 (**2011** Benton County Budget) Appropriating Additional Monies And Authorizing Additional Expenditures in Department 23, Capital Projects, Fund 010; Sponsor: JP Dan Douglas

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Douglas stated that this appropriation is for \$10,000 to begin demolition work associated with the remodeling of the Public Service Building on Highway 102.

JP Douglas made motion to adopt, seconded by JP Jones.

There being no discussion, a roll call vote was recorded as follows:

13 yeas: King, Winscott, J. Harrison, Allen, K. Harrison, Hawkins,
Jones, Sandlin, Douglas, Blaty, Curry, Carr, Moore

Appropriation Ordinance duly adopted and assigned **No. O-2011-13.**

(F) Proposed Ordinance Amending Certain Sections of Chapter 2 of the *Code of Ordinances of Benton County, Arkansas* Concerning the Hiring or Termination of the County's Director of Information Systems and Changes to the County's Computer Systems; Sponsor: JP Tom Allen

County Attorney George Spence stated that this ordinance will add two additional Elected Officials, (the Collector, and the County Clerk) to the committee which must approve the hiring or firing of the Director of Information Systems or major changes to the computer systems.

County Attorney George Spence read the proposed ordinance by title only.

JP Allen made motion to adopt, seconded by JP Jones.

There being no further discussion, a roll call vote was recorded as follows:

13 yeas: King, Winscott, J. Harrison, Allen, K. Harrison, Hawkins,
Jones, Sandlin, Douglas, Blaty, Curry, Carr, Moore

First reading passed.

OTHER BUSINESS:

None

ANNOUNCEMENTS:

JP Allen announced that the Finance Committee will be meeting Tuesday, April 5, 2011 at 5:30 p.m.

JP Douglas announced that the Transportation Committee will be meeting Thursday, April 7, 2011 at 6:00 p.m.

JP Moore announced that the next Committee of Thirteen meeting will be Tuesday, April 12, 2011 at 6:00 p.m.

There being no further business to come before the court, upon motion and second the meeting adjourned at 7:08 p.m.

Respectfully submitted,

Tena O'Brien,
County Clerk

Prepared by: Betsy Harrell